

U.S. Patent Application Serial No. 10/527,276
Reply to Office Action of December 7, 2006

REMARKS

Claims 1 and 5 are amended. Claim 2 is cancelled. Claim 12 is added. The amendments are supported by the specification, claims and drawings as originally filed, and no new matter is added. In particular, Fig. 1 shows buttons 14, 16 mounted to the outside of and on either side of the spring and extending along the length of the spring. Support for the amendment to claim 5 is found at page 3, line 8 of the application. Support for new claim 12 is found, for example, in Figs. 1 and 2, as well as the text on page 3, lines 19-26.

§102 Rejection

Claims 1-10 are rejected under 35 U.S.C. §102(b) as being anticipated by Croser (AU-A-43434/85). Applicant traverses the rejection to the extent that it can be maintained.

Applicant's invention provides a dual actuation button assembly that has fewer parts than known dual spring actuation button assemblies, and is less complicated to produce and construct than known assemblies. In particular, the button members are mounted outside of and on either side of a spring and extend along the length of the spring. This configuration permits the spring to be compressed by one button member while the spring maintains contact with the other button member (e.g., the button that remains at rest). This provides a biasing force to the button member at rest -- which encourages the button to maintain its' at rest position. A fixed end of the spring abuts a bridging member that is fixed relative to a cistern.

In sharp contrast, Croser discloses a dual button mechanism wherein the buttons are mounted at an end of a spring, engage the spring only at that end, and extend through the center of the spring (Fig. 4). The spring is confined within a housing. The extension portion of the button members limits the range of bending motion of the spring. Given the structure disclosed by Croser, the spring cannot have sufficient side-to-side flex to maintain a biasing force on one of the button members during actuating movement of the other button member. Applicant respectfully submits that the claimed structure is not anticipated by Croser and that the structure disclosed by Croser is not capable of performing the function of biasing one button member while the other button member is depressed.

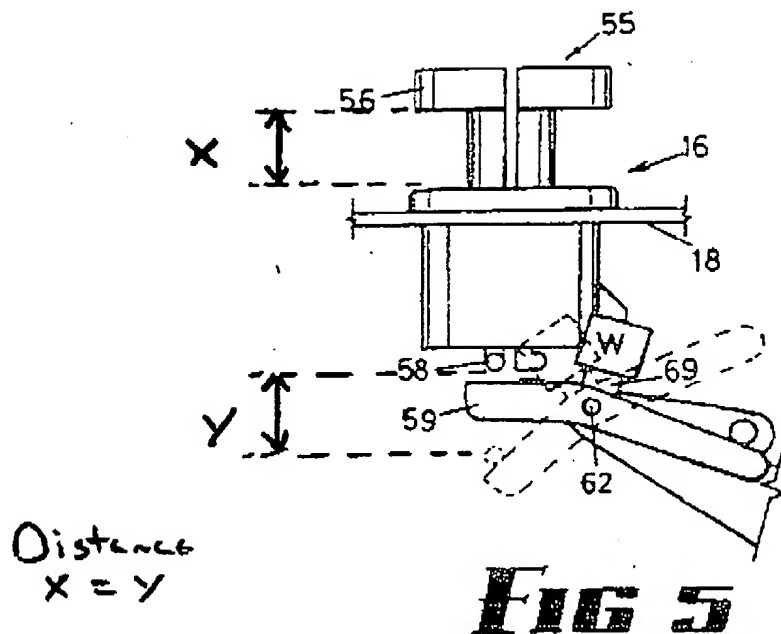
Claims 3-10 depend directly or indirectly from claim 1 and are therefore also allowable. Applicant does not otherwise concede the correctness of the Examiner's rejection and reserves the right to make additional arguments as may be necessary.

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In view of the foregoing, Applicant requests that the rejection for anticipation by Croser be withdrawn.

NEW CLAIM 12

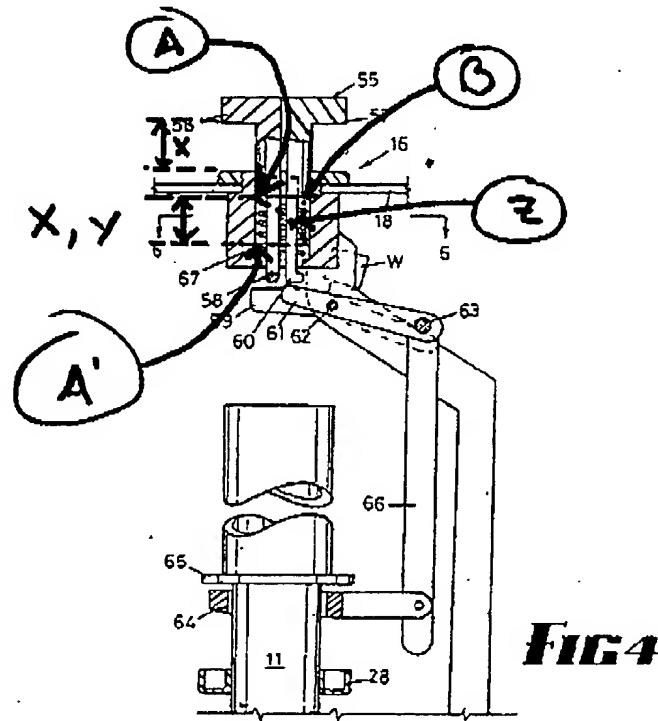
New claim 12 is also allowable over Croser. For example, Fig. 5 of Croser illustrates that the distance button 56 is depressed equals the stroke length or displacement of cross-bar element 58. To illustrate this point, the depression distance of button 56 has been added by Applicant in the following reproduction of Fig. 5 of Croser, and identified by the designation X. The corresponding displacement of the cross-bar 58 element is added as designation Y, where $X=Y$.



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As can now be seen in the following reproduction of Croser Fig. 4, spring 67 is compressed to distance corresponding to the depression of button 56. Applicant has labeled the upper edges of spring 67 A and B respectively. Given the diameter of the spring 67, if edge A of the spring 67 is compressed to a location A' (where A' equals the depression amount X), then B' must fall on the arc Z and spring 67 would not engage the non-depressed button (e.g., button 55). Therefore, Croser does not disclose the structure or function as recited in Applicant's claim 12.



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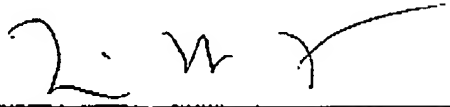
CONCLUSION

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

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Brian H. Batzli
Reg. No. 32,960
BHB:TO:PLSkaw